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Message Text

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ORIGIN L-03

INFO OCT-01 ARA-10 EUR-12 EA-07 IO-13 ISO-00 EB-07
AF-10 AID-05 CEA-01 CIAE-00 COME-00 FRB-03 INR-07
NEA-10 NSAE-00 USIA-06 OPIC-03 SP-02 TRSE-00
LAB-04 EPG-02 SIL-01 AGRE-00 OMB-01 STR-04
DODE-00 PM-04 H-01 NSC-05 PA-01 PRS-01 SS-15
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DRAFTED BY L:MBFELDMAN:ER
APPROVED BY IO:DCOHEN
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P 161451Z JUL 77
FM SECSTATE WASHDC
TO USMISSION GENEVA PRIORITY
AMEMBASSY MEXICO PRIORITY
AMEMBASSY BONN PRIORITY
AMEMBASSY LONDON PRIORITY
AMEMBASSY TOKYO PRIORITY
AMEMBASSY THE HAGUE PRIORITY
AMEMBASSY BRUSSELS PRIORITY
AMEMBASSY PARIS
INFO AMEMBASSY ROME PRIORITY
AMEMBASSY OTTAWA PRIORITY
AMEMBASSY CANBERRA PRIORITY
AMEMBASSY STOCKHOLM PRIORITY
AMEMBASSY OSLO

C O N F I D E N T I A L STATE 166499

USOECD

E.O. 11652: GDS

TAGS: EGEN, EFIN, UN, ECOSOC
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SUBJECT: ECOSOC AGREEMENT ON ILLICIT PAYMENTS
REF: (A) GENEVA 5721, (B) STATE 163034, (C) STATE 158833

1. AS WE MOVE INTO FINAL PHASE OF ECOSOC NEGOTIATION WE WOULD LIKE ECOSOC DEL AND ACTION ADDRESSES TO TAKE CURRENT SOUNDING OF POSITIONS OF KEY DELS ON U.S. PROPOSAL TO CON-

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VENE A DIPLOMATIC CONFERENCE TO DRAFT AN INTERNATIONAL AGREEMENT ON ILLICIT PAYMENTS. BASED ON PAST DISCUSSIONS, WE ASSUME U.K., NETHERLANDS, BELGIUM, CANADA, AUSTRALIA, S ITZERLAND, NORWAY, SWEDEN WILL SUPPORT CONVENING DIPLOMATIC CONFERENCE, HOPEFULLY IN 78. JAPAN DEL HAS INDICATED GOJ COULD SUPPORT CONVENING CONFERENCE IN 79. WE WISH TO CONFIRM THESE POSITIONS AND TO ASCERTAIN CURRENT VIEW OF FRG, ITALY AND FRANCE AS WELL.

2. G-77 SUPPORT IS KEY TO SUCCESS. WE NOW ANTICIPATE WE CAN OBTAIN THAT SUPPORT ,F WE CAN WORK OUT ACCEPTABLE UNDERSTANDINGS ON (1) SOME REFERENCE TO BROADER FRAMEWORK FOR DEALING WITH TNC ISSUES AND (2) AFRICAN ILLICIT PAYMENTS ISSUE. U.S. IS PREPARED TO INCLUDE FOLLOWING TEXT IN PREAMBULAR PARAGRAPH OF ECOSOC RESOLUTION IF IT WILL MEET G-77 CONCERNS: "BELIEVING THAT INTERNATIONAL AGREEMENT ON ILLICIT PAYMENTS IS A NECESSARY ELEMENT IN AN EVOLVING FRAMEWORK OF NATIONAL AND INTERNATIONAL MEASURES DEALING WITH ISSUES RELATING TO THE ACTIVITIES OF
TRANSNATIONAL AND OTHER CORPORATIONS IN INTERNATIONAL COMMERCE." THIS FORMULA WOULD REFLECT OUR READINESS TO WORK DILIGENTLY WITH OTHER COUNTRIES TO AGREE ON A GENERAL CODE OF CONDUCT AND POSSIBLY OTHER ARRANGEMENTS IN THE FUTURE BUT WOULD NOT IMPLY ANY COMMITMENT TO A LEGALLY BINDING CODE WHICH REMAINS UNACCEPTABLE TO THE U.S.

3. FOR ECOSOC DEL: WITH RESPECT TO ABUAH'S QUERY (REF A), CONFIDENTIAL

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U.S. HAS ALREADY INDICATED IT IS PREPARED TO DEAL SERIOUSLY WITH ISSUE OF PAYMENTS TO RHODESIA AND NAMIBIA AND TO HAVE THIS ISSUE DISCUSSED BY THE SAME DIPLOMATIC CONFERENCE AS CONSIDERS AN AGREEMENT ON BRIBERY. HOWEVER, IT SHOULD BE MADE CLEAR TO CONCERNED DELS THAT IN U.S. VIEW REFERENCE TO UN RESOLUTIONS MUST BE REPLACED BY REFERENCE TO SECURITY COUNCIL DECISIONS AND THAT U.S. CONTINUES TO DOUBT THAT IT WOULD SERVE ANYONE'S INTEREST TO COMBINE THESE TWO ISSUES IN A SINGLE AGREEMENT. IT WOULD BE VERY HELPFUL IF WE COULD REACH SOME PRIOR UNDERSTANDING WITH THE G-77 THAT THE RESULTS OF THE CONFERENCE WOULD BE REFLECTED IN TWO SEPARATE INSTRUMENTS BUT WE ARE PREPARED TO PROCEED ON THE UNDERSTANDING THAT THAT ISSUE IS LEFT OPEN.

4. SOME LDC'S (BRAZIL, MEXICO) HAVE EXPRESSED PREFERENCE FOR A PREPARATORY COMMITTEE RATHER THAN EXPANDED WORKING GROUP. OTHERS (ALGERIA, NIGERIA) INSIST ON WORKING GROUP. US CAN ACCEPT EITHER AND SHOULD LEAVE IT TO G-77 TO DECIDE WHICH IT WILL SUPPORT. BRAZIL AND MEXICO ARE ALSO CONCERNED THAT AN UNLIMITED WORKING GROUP WOULD BE TOO CUMBERSOME. US CAN ACCEPT AN EXPANDED WORKING GROUP OF 36 U.N. MEMBERS, WHICH SHOULD GIVE WEO'S EIGHT SLOTS. US DEL MAY

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CONVEY THESE POSITIONS IF ASKED.

5. FOR MEXICO: PLEASE TAKE UP LANGUAGE SUGGESTED IN PARA 2 ABOVE WITH GONZALES GALVEZ. FELDMAN HAS INDICATED WE MIGHT SUGGEST LANGUAGE. AN INDICATION THAT OUR PROPOSAL WOULD SATISFY GOM WOULD BE OF GREAT HELP IN GENEVA NEGOTIATIONS. VANCE

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